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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,610	06/28/2006	Bjorn Oddvar Borresen	00244.0003.PCUS00	8171
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HOWREY LLP-EU C/O IP DOCKETING DEPARTMENT 2941 FAIRVIEW PARK DR., SUITE 200 FALLS CHURCH, VA 22042			EXAMINER A, PHI DIEU TRAN	
			ART UNIT 3633	PAPER NUMBER
			MAIL DATE 10/27/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/549,610	Applicant(s) BORRESSEN ET AL.	
	Examiner PHI D. A	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,9-15 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,9-15 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

PRODUCT BY PROCESS CLAIM:

“ The subject matter in claim 10 “ applied to the spacing strip or the glass block during manufacture” present is regarded as a product by process claim in which a product is introduced by the method in which it is made. It is the general practice of this office to examine the final product described regardless of the method provided by the applicant.”

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1, 3-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Wright (6823634).

Wright figures 6 and 9, shows a system for the construction of glass block walls, comprising an elongate, generally planar spacing strip of plastics material, having upper and lower surfaces forming an outer cross section generally corresponding in shape to an intended spacing between two adjacent blocks in the completed construction, the spacing strip comprising a body portion having a first thickness and having, a centrally disposed elongate channel on

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upper and lower surfaces thereof, and flange portions having a second thickness less than the first thickness, the flange portions extending laterally from the body portion, the spacing strip having a generally hollow interior with relatively thin upper and lower walls, wherein the flange portions are at least partially hollow, the hollow interior is provided with transverse reinforcing webs between the upper and lower walls.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1, 3-4, 12-15, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright (6823634) in view of Univerferth (4899512) and Mayor (4774793).

Wright figures 6 and 9, shows a system for the construction of glass block walls, comprising an elongate, generally planar spacing strip of plastics material, having upper and lower surfaces forming an outer cross section generally corresponding in shape to an intended spacing between two adjacent blocks in the completed construction, the spacing strip comprising a body portion having a first thickness and having, a centrally disposed elongate channel on upper and lower surfaces thereof, and flange portions having a second thickness less than the first thickness, the flange portions extending laterally from the body portion, the spacing strip

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having a generally hollow interior with relatively thin upper and lower walls, wherein the flange portions are at least partially hollow, the hollow interior is provided with transverse reinforcing webs between the upper and lower walls.

Wright does not disclose the spacing strip is formed from polystyrene or a styrene based copolymer, an adhesive for adhesion between the strip and a glass block, the adhesive is a one component polymer adhesive that hardens by evaporation of a solvent and comprises a polymer or copolymer or block polymer having aliphatic or styrenic groups which compatibilise the polymer with styrene.

Mayor discloses the use of polysterene for a spacing strip.

Univerferth discloses the use of adhesive and spacing strip together to securely attach blocks together.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Wright's strip to show the spacing strip being formed from polystyrene or a styrene based copolymer as taught by Mayor since it would enable the formation of a strip that is rust resistant and light weight, and having adhesive on the spacing strip would have been obvious to one having ordinary skill in the art as it enables the easy secure attachment of the blocks together as taught by Univerferth, and having the adhesive being one component polymer adhesive that hardens by evaporation of a solvent and comprises a polymer or copolymer or block polymer having aliphatic or styrenic groups which compatibilise the polymer with styrene would have been obvious to one having ordinary skill in the art as would have been an obvious matter of engineering design choice to choose a particular mixture/makeup of adhesive to attach

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the blocks to the strip as long as it provides for easy, and secure fastening of the blocks to the strips..

Per claims 18-20, Wright as modified shows all the claimed structural limitations. The claimed method steps would have been the obvious method steps of constructing a glass block wall with Wright's modified structures.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wright (6823634) in view of Univerferth (4899512) and Mayor (4774793).

Wright as modified shows all the claimed limitations except for the adhesive contains a methylcyclohexane based solvent.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Wright's the adhesive contains a methylcyclohexane based solvent since it would have been an obvious matter of engineering design choice to choose a particular mixture/makeup of adhesive to attach the blocks to the strip as long as it provides for easy, and secure fastening of the blocks to the strips.

5. Claim 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright (6823634) in view of Univerferth (4899512) and Mayor (4774793).

Wright as modified shows all the claimed limitations except for a removable protective layer covering the adhesive prior to use.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Wright's structure to show a removable protective layer covering the adhesive prior to use in order to ensure the strip not sticking to other structures prior to usage,

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and the use of removable protective layer to cover a sticking surface prior to use is well known in the adhesive art; for example: double sided tape with covers.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 3-4, 9-15, 18-20 have been considered but are moot in view of the new ground(s) of rejection.

7. With respect to applicant's statements to the material make up of the strip, the references above to Mayer and Univerferth further demonstrate the obvious and well known nature of using polystyrene and adhesive for a spacing strip. With respect to the movie at the www.quicktech.se/monteringsprofil_film.pgp#, it is respectfully submitted that if applicant likes to movie to be of record, applicant is to provide a copy to the application.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different block securing adhesive strips.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Phi D A/
Primary Examiner, Art Unit 3633

Phi Dieu Tran A

27/10/09 10/25/09